

## **MINUTES**

### **BOARD OF ADJUSTMENT**

#### **TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY**

Conference Meeting

April 10, 2014

The Regular Meeting of the Board of Adjustment was called to order at 7:30 PM in the Public Meeting Room.

It was confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

#### **Roll Call:**

Members present were Mr. Bussiculo, Mr. Miller, Mr. Smith, Mr. Henry, Mr. Sullivan and Mr. Delia. Mr. Boyer and Mr. Siburn were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

#### **Informal Review of Submitted Applications:**

##### **App.#12-14: Michaela K. Quinlan, 86 Orion Road, Block 3401, Lot 16 (R-20 Zone)**

Seeking to replace an existing, 112 square ft. shed (8' x 14' x 10' high) with a new 140 square ft. shed. The larger shed would be for storage of specific items. Relief is needed from Section 6.3.1B.4. of the Land Use Ordinance which limits sheds to 100 square ft. in size.

Michaela Quinlan and John Quinlan stated that they want to replace their existing shed with a larger one of 140 square feet. In response to questions from the Board, Mrs. Quinlan stated that behind their property there are woods and a stream and then a neighbor. The proposed shed is pre-fabricated and they want to have the larger shed for storage. The existing fence was put up by her parents according to an old survey and they just found out that it is actually on Township property.

It was noted that the requested shed is 40% larger than what is permitted and if the variance is granted there will be discussion about the location of the shed.

The application was deemed complete and scheduled for hearing on April 24, 2014 with notice to be sent by certified mail. The applicant was instructed to bring photographs and to correct the application to conform to the survey.

**App.#13-14: Michael & Sylvia Deo, 63 Old Farm Road, Block 3002, Lot 15 (R-20 Zone)**

Relief is needed from Article 6.1, Section 6.1.1B "Schedule of General Regulations" because the existing outdoor fireplace, raised patio and seating wall encroach into the accessory side yard setback (required: 12', existing: 7.3'). In addition, the applicants are requesting removal of Condition #5 of the Resolution of Approval for Application #11-09 which stated that the "area over the garage shall be limited to storage and not used as a living space." The homeowners had been before the Board in 2009 to apply for variances needed to construct additions to their single-family residence.

Michael Deo stated that he previously was before the Board for the addition to the house. The storage area is no longer accessed through the garage and it is connected to a bedroom so the proposal will now just be an extension of the house. The height of the fireplace is 10' and the setback will be 7.3' where 12' is required.

The application was deemed complete and scheduled for hearing on April 24, 2014 with notice to be sent by certified mail. The applicant was instructed to bring photographs.

**App.#15-14: Stephen Croneberger, 42 Hamilton Terrace, Block 2004, Lot 6 (R-15 Zone)**

Proposed 3-car garage with loft area above and raised deck type area between the proposed garage and existing house. The lot is a corner lot with frontage on Hamilton Terrace, Burgmiller Avenue (an unimproved municipal 50' road right of way) and Wardle Avenue (unimproved). Relief is needed from Section 6.1.1B "Schedule of General Regulations" because the garage will encroach into the front-yard setback on Burgmiller Avenue (required: 50'; existing: 70'; proposed: 34.25'). Nonconforming issues are existing principal front yard setback from Hamilton Terrace, existing shed location (located over the property line into Burgmiller Avenue) and existing shed size of 160 sq. ft. compared with 100 sq. ft. allowed.

Stephen Croneberger stated that this is his mother's home and they want to build a three car garage and a small deck. The three car garage is needed in order to park his mother's car, his car and his son's car and to provide storage. Half of the garage will be below grade from the street. The existing oversized shed was put in many years ago by his father and he did not realize at that time how big it was. They are willing to move the shed or remove it.

The application was deemed complete and scheduled for hearing on April 24, 2014 with notice to be sent by certified mail. The applicant was instructed to bring photographs and to correct the application to conform to the survey.

**App.#11-14: 174 Snyder Ave, BH, LLC, 174 Snyder Avenue, Block 801, Lot 50 (R-15 Zone)**

Seeking a d(1) use variance for a two-story residential dwelling built in 1910 and located in the R-15 single family zone which has been operating as a four-family home. The applicant and owner of the property would like to undertake interior improvements, most notably a relocation of the existing laundry facilities from the interior living area on the second floor to the attic area above the second floor units. Other charges include new exterior windows and removal of the existing Bilco door. The existing shed and garbage enclosure will be relocated to comply with the setback requirements or removed entirely. Relief is also needed from Section 8.1.1B.1 "Expanding a nonconforming use" due to the interior expansion into the existing attic space for use as a utility room. Existing nonconforming issues are principal use; principal front-yard setback; existing "other" coverage of 22.44%, which includes the 800 sq. ft. stone driveway (allowed: 10%); and existing shed (which encroaches into the rear-yard setback).

Jay Bohn, attorney for the applicant, stated that he is in the process of researching whether or not the four-family status of the home is grandfathered by reason of being in existence prior to the ordinance being adopted in 1937. They believe the house was built in 1910 but not certain if it was always used as a four-family dwelling.

Mr. Bernstein noted that it may be necessary for the application to be bifurcated due to parking changes that would require site plan approval.

Antonio Santarella, owner of the property, stated that he purchased the house in 2013.

Mr. Bohn stated that the applicant wants to reconfigure the four apartments so that two are on the first floor and have access to the basement laundry facilities and two are on the second floor with access to the attic for the same purpose. They will comply with parking requirements. The home was in the possession of the Pagano family since 1945.

Mr. Santarella stated that right now there are four separate apartments, with four kitchens, four bathrooms and two bedrooms. They want to convert them to one bedroom apartments. The use of the attic space for laundry facilities is not something they need to do if the Board would prefer that they a stackable washer/dryer in each apartment. Mr. Santarella said he hopes to live in the

house himself with his wife some day when their children are grown. He would be willing to remove the existing shed.

**Adoption of Resolutions:**

**App. #10-14: Ilir & Loreta Bitici, 51 Mercier Place, Block 3002, Lot 14 (R-20 Zone)**

Proposed principal additions to the existing single-family dwelling. Relief is needed from Section 6.1.1B, "Schedule of General Regulations" for 1) principal rear-yard setback (allowed: 40', existing: 19.83', proposed: 18.42'); 2) minimum principal side-yard setback (allowed: 12', existing: 29.06', proposed: 7.08'); 3) maximum building coverage (allowed: 15%, existing: 8.11%, proposed: 20.82%); 4) maximum "other" coverage (allowed: 10%, existing: 11.55%, proposed: 10.49%) and 5) maximum total coverage (allowed: 25%, existing: 19.64%, proposed: 31.26%). Also, Section 8.1.1 prohibits the expansion of a nonconforming structure. Nonconforming issues are lot area, lot depth, existing principal rear-yard setback and existing "other" coverage.

A motion was made by Mr. Miller, seconded by Mr. Delia, to adopt the above Resolution. The voice vote was unanimous with Mr. Bussiculo, Mr. Miller, Mr. Smith and Mr. Delia voting in favor.

**App.#6-14: Charles & Barbara Radcliffe – 32 Cedar Green Lane, Bl.3001, L.11 (R-20 Zone)**

Proposed second story addition over an existing first floor single family dwelling and a new front portico over the existing front porch. Relief is needed from Section 6.1.1B "Schedule of General Regulations" due to an insufficient front-yard setback (required: 50', existing: 44.1', proposed 2<sup>nd</sup> story addition: 44.1' and proposed portico: 40' setback). In addition, Section 8.1.1B.1 prohibits the enlargement of a nonconforming structure. Existing nonconforming conditions are: principal front-yard setback and principal side-yard setback.

A motion was made by Mr. Delia, seconded by Mr. Smith, to adopt the above Resolution. The voice vote was unanimous with Mr. Bussiculo, Mr. Miller, Mr. Smith and Mr. Delia voting in favor.

**Adoption of Minutes**

March 13, 2014

The minutes were tabled.

**Adjournment:**

A motion was made by Mr. Miller, seconded by Mr. Delia, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:20 PM.

Regina Giardina, Secretary Pro Tem